DODGE COUNTY PLANNING, DEVELOPMENT AND PARKS COMMITTEE MINUTES September 9, 2013

The Dodge County Planning, Development and Parks Committee met on September 9, 2013 at 7:00 p.m. on the 1st Floor of the Administration Building, Juneau, Wisconsin.

Chairman Schaefer called the meeting to order. Roll Call was taken. Members present were Tom Schaefer, Allen Behl, Randy Grebel, Joseph Marsik and William Muche. The staff present at the request of the Chairman was Joseph Giebel.

The Chairman asked the staff to confirm compliance with the open meeting laws and the public hearing notice requirements. Mr. Giebel noted that the meeting was properly noticed in accord with the open meeting law and noted that the required notices for the public hearings listed on the agenda were posted, mailed and published in accord with the statute and code requirements.

The agenda was reviewed and approved as posted.

The minutes from the August 19, 2013 meeting were reviewed by the Committee.

Motion by Muche to approve the minutes as written.

Second by Marsik

Vote: 5-0

Motion carried.

PUBLIC HEARING

Wayne Mulder Farms Inc. – Request for a Conditional Use Permit under the Land Use Code, Dodge County, Wisconsin to allow for the creation of an approximate 2.6-acre nonfarm single family residential lot within the A-1 Prime Agricultural Zoning District. The property is located in part of the SE ¼, NW ¼, Section 12, T13N, R14E, Town of Trenton, the site address being N11590 Cottonwood Road.

Motion by Grebel to approve the conditional use permit to allow for the creation of a nonfarm residential lot subject to the following conditions:

- 1. The applicant shall obtain the required land division approvals for the proposed lot from the County and local municipalities if required, prior to the creation of these lots;
- 2. The proposed non-farm residential lot shall not exceed 3.8-acres in area unless the lot is successfully rezoned out of the A-1 Prime Agricultural Zoning District;
- 3. Only one single family residential unit may be located on the proposed non-farm residential lot unless this lot is successfully rezoned into a zoning district which allows additional residential units;
- 4. The acreage of the proposed non-farm residential lot shall count towards the total non-farm residential acreage that can be created from the base farm tract for this property;
- 5. A "Notice of Zoning Limitations" document shall be recorded with the Dodge County Register of Deeds Office for the following parcels which make up the "base farm tract" which notifies the potential buyers of these parcels that there may be limitations as to the number of new lots that can be created from this base farm tract:
 - 044-1314-1224-000; 044-1314-1221-000
- 6. The owner and subsequent owners of this non-farm residential lot hereby agree to comply with Subsection 9.2, Right to Farm provisions of the Dodge County Land Use Code and that they will not cause unnecessary interference with adjoining farming

- operations producing agricultural products and using generally accepted agricultural practices, including access to active farming operations;
- 7. The decision of the Committee is valid for one year.

Second by Marsik

Vote 5-0

Motion carried.

PUBLIC HEARING

Frank and Jayne Garniss - Request for a Conditional Use Permit under the Shoreland Protection Ordinance, Dodge County, Wisconsin to allow filling, grading and excavating within 300 feet of a navigable water body (Lost Lake) on slopes greater than 20% within the Shoreland district associated with the construction of a retaining wall. The property is known as Lot 14, Plat of Lost Lake Farm, located in part of the SE ¼, NE ¼, Section 8, Town of Calamus, the site address being W11380 Schultz Dr.

Motion by Behl to approve the conditional use permit to allow filling, grading and excavating within 300 feet of Lost Lake subject to the following conditions:

- 1. A variance must be applied for and approved by the Dodge County Board of Adjustment in order to allow the construction of the proposed retaining walls to be located within 75' of the Ordinary High Water Mark. If the variance is not granted to allow retaining walls within the shoreland setback lines, the site shall be regraded to its original grade and the site shall be re-vegetated in accord with this approval. The granting of this Conditional use permit does not set precedence or add weight to the approval of said variance.
- 2. A viewing / access corridor shall be established along the shoreline. Said view corridor shall not exceed 30% of the shoreline frontage of said lot. No retaining wall shall be located within the viewing / access corridor and the area within the viewing / access corridor shall be returned to its original slope.
- 3. One stairway shall be allowed on this site in order to provide reasonable access to the shoreline and said stairway shall be located within the viewing / access corridor. The stairway shall not exceed 60 inches in width.
- 4. All areas that are located outside of the viewing access corridor and are located within 35 feet of the ordinary highwater mark of the lake shall be re-vegetated with native plant species in accord with the vegetative buffer standards listed in Section 7.3 of the Ordinance. In addition, if the applicant obtains a variance to allow for the construction of the retaining wall within the shoreland setback lines, the applicant shall be required to establish a vegetative buffer screen in the area between the retaining wall and the ordinary highwater mark of the lake in order to provide a vegetative screen along the lake side of the retaining wall. The vegetation site plan shall be submitted to the Department for review and approval prior to the issuance of the conditional use permit.
- 5. All disturbed areas shall be graded and seeded to permanent vegetation as soon as possible to prevent erosion of silt into the Lake.
- 6. All erosion control measures required by the applicable Federal, State, County and Local codes shall be in place and shall be maintained throughout the duration of the project in accordance with Best Management Practices.
- 7. A revised site plan containing the viewing / access corridor, the modified retaining wall location and the vegetative buffer area required in condition #4 shall be submitted to the Department for review and approval prior to the approval of the conditional use permit.

Second by Muche

Vote 5-0

Motion carried.

OTHER BUSINESS

1. Review complaints regarding Conditional use permit - 2004-1449; Robert and Sharon Haase – SW ¼ NW ¼, Section 15, Town of Calamus - Agricultural trucking company within the A-2 General Agriculture Zoning District.

Mr. Giebel reviewed complaints that were received by the Department regarding the trucking business operation on the Robert Haase property in the Town of Calamus. According to the complaints, Mr. Haase is not complying with the condition that was placed on the conditional use permit that requires Mr. Haase's trucks to use CTH D as access to the property. The complaint also states that Mr. Haase has on occasion had more than the maximum 10 trucks that are allowed for this business as part of the conditions placed on this operation. Mr. Giebel indicated that the complaint records on file from May 10, 2013 and August 11, 2010 incorrectly list Donald Wedel as the complainant. Based on his records, the complaints should have listed Donald Lueptow as the complainant.

Mr. and Mrs. Haase and their Attorney, Donald Lueptow, Donald Wedel, John Wedel, Supervisor Jeff Schmitt, and Town Board Chairman Bill Kirchberg were present and were allowed to provide input on the complaints.

During the discussion of the complaints, questions were raised regarding the Departments complaint process and a request was made to have Mr. Wedels name removed from the complaint records. Mr. Giebel provided input on the Departments complaint procedure in answer to the questions raised and indicated that Mr. Wedel's name will be removed from the records.

The general consensus of the Committee was that Mr. Haase is operating his business in compliance with the conditional use permit and no further action is needed at this time regarding these complaints. The Committee also indicated that Condition #9; "Access to this business shall only be from CTH D" is only intended to pertain to Mr. Haase's employees, and Mr. Haase should not be held responsible for drivers that are not under his employment.

The Committee requested the staff to review the complaint process and to determine if changes are necessary so that the mistakes that were made in this case will not happen again. The Committee requested to review the complaint process at a future meeting.

2. Review petition to amend the Dodge County Floodplain Ordinance.

Mr. Giebel noted that on April 25, 2011, the County received a copy of a Hydrologic and Hydraulic Study for Fox Lake and a portion of Old Mill Creek under the professional seal of Uriah Monday, Water Resources Project Engineer, MSA Professional Services. The study was conducted under the direction of the Town of Fox Lake Town Board. The Town of Fox Lake submitted a Letter of Map revision to the Federal Emergency Management Agency (FEMA) for the floodplain maps in the unincorporated areas of Fox Lake. The study was reviewed and approved by the Department of Natural Resources (DNR) and FEMA and the results of the study were used to modify the Flood Insurance Rate Maps and the Flood Insurance Study Report for the unincorporated areas in Fox Lake.

Mr. Giebel also noted that on August 5, 2013, the County received the letter of final flood elevation determination for the Unincorporated Areas of Dodge County. The new proposed Base Floodplain Elevations for the Fox Lake area and for a portion of Old Mill Creek will become effective as of February 5, 2014. The current floodplain elevation for the Fox Lake Area is 896.1' above mean sea level and the proposed floodplain elevation for the Fox Lake Area will be 894.6' above mean sea level. Mr. Giebel indicated that in accord with 87.30(1) Wisconsin State Statutes and NR 116.05(4) Wisconsin Administrative Code, the County is required to adopt the Flood Insurance Study and the Flood Insurance Rate Maps and a code compliant floodplain ordinance by February 5, 2014 in order to maintain continued eligibility in the National Flood Insurance Program.

The petition was reviewed by the Committee. The petition is intended to bring the Dodge County Floodplain Zoning Ordinance, into compliance with the Federal and State Floodplain Development regulations, to adopt the updated flood insurance rate and the flood storage maps and to adopt the modified Flood Insurance Study for the Fox Lake and Old Mill Creek areas. A copy of the proposed Flood Insurance Rate maps, the Flood Storage Map Panels, the Flood Insurance Study and the proposed amendments to the Floodplain Ordinance are available for review in the Department.

Motion by Marsik to sign the petition to amend the Dodge County Floodplain Zoning Ordinance and to set up a public hearing to receive public comments on the proposed changes.

Second by Behl Vote: 5-0

Motion carried.

3. No Committee Member Reports

Motion by order of the Chairperson to adjourn the meeting.

Meeting adjourned at 8:40 p.m.

Respectfully Submitted,

Allen Behl Secretary

Disclaimer: The above minutes may be approved, amended or corrected at the next committee meeting.